

United States District Court

EASTERN DISTRICT OF OKLAHOMA

FILED

JUL 25 2019

In the matter of the search of:208 North Edmond Street, Muskogee, Oklahoma
74403

Case No.

PATRICK KEANEY
Clerk, U.S. District Court

By Deputy Clerk

19-MJ-076 -SPS**APPLICATION FOR SEARCH WARRANT**

I, Carlos Sandoval, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that there is now concealed on the following person or property located in the EASTERN District of OKLAHOMA (*identify the person or describe property to be searched and give its location*):

SEE ATTACHMENT "A"

The person or property to be searched, described above, is believed to conceal (*identify the person or describe the property to be seized*):

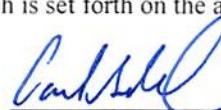
SEE ATTACHMENT "B"

The basis for the search under Fed. R. Crim. P. 41(c) is (*check one or more*):

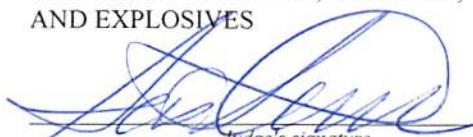
- evidence of a crime;
- contraband, fruits of crime, or other items illegally possessed;
- property designed for use, intended for use, or used in committing a crime;
- a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of Title 18, United States Code, Section(s) 922(u) and 922(j), and the application is based on these facts:

- Continued on the attached sheet.
- Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



CARLOS SANDOVAL
SPECIAL AGENT
BUREAU OF ALCOHOL, TOBACCO, FIREARMS
AND EXPLOSIVES



STEVEN P. SHREDER
UNITED STATES MAGISTRATE JUDGE
Judge's signature
Printed name and title

Sworn to before me and signed in my presence.

Date: 7/25/2019

City and state: Muskogee, Oklahoma

AFFIDAVIT

I, Carlos Sandoval, being duly sworn, depose and state the following:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), United States Department of Justice. I have been so employed since September of 1990. I am currently assigned to the Tulsa, Oklahoma Field Office.
2. Prior to my employment with ATF, I was a Police Officer for the City of Arlington, Texas, where I was employed for approximately 4 ½ years as a commissioned law enforcement officer.
3. I am a graduate of the Federal Law Enforcement Training Center and ATF National Academy in Glynco, Georgia; as a result of my training and experience as an ATF Special Agent, I am familiar with Federal crime laws. Based on this training and experience, I know that it is a violation of:
 - A. Title 18 U.S.C. Section (u): for a person to steal or unlawfully take or carry away from the person or the premises of a person who is licensed to engage in the business of importing, manufacturing, or dealing in firearms, any firearm in the licensee's business inventory that has been shipped or transported in interstate or foreign commerce.

- B. Title 18 U.S.C. Section 922(j): for any person to receive, possess, conceal, store, barter, sell, or dispose of any stolen firearm or stolen ammunition, or pledge or accept as security for a loan any stolen firearm or stolen ammunition, which is moving as, which is a part of, which constitutes, or which has been shipped or transported in, interstate or foreign commerce, either before or after it was stolen, knowing or having reasonable cause to believe that the firearm or ammunition was stolen.
4. I have participated in or have knowledge of the execution of many search warrants involving illegal possession of firearms. I have had training and experience in the investigation of the various methods by which individuals attempt to circumvent the federal gun laws. Based on this training and experience, I know that:
- A. The actual purchasers will many times have receipts, forms, ledgers, and documents, related to the purchase of multiple firearms. These persons will many times have a list of contacts, not limited to cell phone numbers of suspect(s), who are buying firearms for them and a list of firearms purchased.
- B. Most people store their firearms in their homes, vehicles, and businesses for self-defense and hunting purposes and usually possess other items related to firearms, such as: gun cases, ammunition, ammunition magazines, holsters, spare parts, cleaning equipment, photographs of firearms and receipts for the purchase of these items.

- C. Persons possess in their residences, businesses, other real property, and vehicles over which they have dominion and control, documents which indicate their occupancy and/or ownership such as: personal mail, check books, identification, notes, correspondence, utility bills, rent receipts, payment receipts, financial documents, keys, photographs, leases, mortgage bills, vehicle registration information, ownership warranties, receipts for vehicle parts and repairs, telephone answering machine introductions.
- D. The actual purchasers will many times have receipts, forms, ledgers, and documents related to the purchase of multiple firearms. These persons will many times have a list of contacts of people who are buying firearms for them and a list of firearms purchased.
- E. People involved in illegal trafficking or transportation of firearms most commonly use digital or cellular phones to communicate, via phone calls or text message, with each other and other co-conspirators. Further, straw buyers of firearms often times are contacted and are given instructions by other co-conspirators regarding the purchase or delivery of firearms and/or developments that could jeopardize any/all transactions. Stored data on digital phones can reveal numbers, date and times of various calls made and received that are evidence of co-conspirator activity and provide evidence which can identify

the extent and/or membership of distribution groups involved in trafficking firearms.

F. Cellular phones have stored memory capabilities and a stored number facility.

Phones track or record called numbers, received numbers, stored numbers, date and time of calls, address and number lists and stored voice and text messages. Certain digital/cellular phones maintain all or part of their memory even if batteries have failed.

G. Video/photographic images depicting firearms are commonly recovered from cell phones in the possession of individuals engaged in the illegal trafficking and sale of firearms.

5. This affidavit contains only the information that I believe is necessary to support probable cause for this application. It is not intended to include every fact known to me or known by law enforcement. The information provided is based on my personal knowledge and observation during the course of this investigation, information conveyed to me by other law enforcement officials, and my review of records, documents, and other physical evidence obtained during the investigation.

6. The facts contained in this affidavit were discovered by your affiant or related to him by other Law Enforcement Officers named herein who are assisting and continue to further investigate David Neil Dunn (DUNN) Jr whose residence is located at 208 N. Edmond Street, City

of Muskogee, Muskogee County, in the Eastern Judicial District of Oklahoma. I have set forth only the facts that I believe are essential to establish the necessary foundation for the issuance of a search warrant for the premises described in Attachment "A" for the items described in Attachment "B", as such items are evidence of a crime, contraband, fruits of crime, or other items illegally possessed, and are properly designed for use intended for use, intended for use, or used in committing a crime.

FACTS FOR PROBABLE CAUSE

1. On July 12, 2019, the ATF Tulsa Field Office received a theft report from Federal Firearms Licensee (FFL) Mike Hitt (HITT) in reference to the theft of two pistols. HITT reported the theft occurred at his place of business, Mike's Outdoors, when he turned his back to the suspect in order to obtain some ammunition at the suspect's request. The suspect took possession of the two pistols in his business inventory, and left his business. HITT reported the theft occurred at approximately 9:15-9:25 AM.
2. The theft report reported the following firearms, which value is over \$1000.00 and both of which were manufactured outside the state of Oklahoma:
 - Freedom Ordnance, Model FX9P4, 9mm, semi auto pistol serial number 017788 (AR-type pistol)
 - Taurus, Model G2C, serial number TMR89561
3. On July 12, 2019, ATF Agent Carlos Sandoval (SANDOVAL) contacted HITT who provided suspect information as being a male, approximately six foot tall, light

complexion-of mixed race, slender, in his early 20's, and goatee. Suspect left the parking lot in a Chevrolet Tahoe, silver/gray in color, driving south bound on York Street.

4. HITT advised, soon after the theft occurred, he received a call from the male who had inquired about the ammunition. The male caller wanted to explain to HITT the reason for leaving the store unexpectedly after requesting the ammunition. HITT confronted the caller and told him that he knew he had taken the pistols. The caller stated he didn't do it, but it could have been his friend. HITT advised, at the time of the theft, he did not see any other persons with this suspect. HITT provided the phone number the caller used to call his business as identified through his caller identification. That number is 918-360-7246.
5. HITT advised he contacted local police, Muskogee Police Department who completed an offense report, Case Number: 2019-23598.
6. On July 15, 2019, an inquiry regarding phone number 918-360-7246 revealed a possible person associated with the cellular phone, David Dunn. A social media (Facebook) inquiry revealed a David Dunn (DUNN) from Muskogee, Oklahoma with a Facebook Post as listed below:

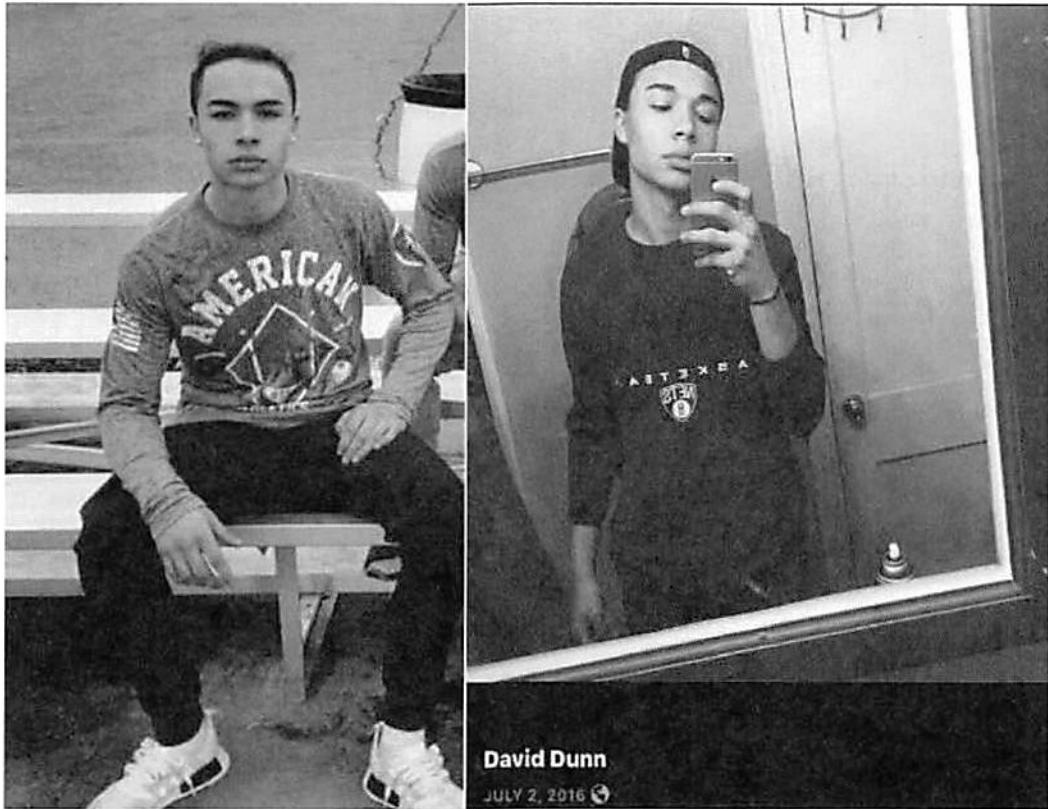
< David Dunn

David Dunn

Add Friend ...

Lives in Muskogee, Oklahoma
 From Macomb, Oklahoma
... See David's About Info

7. A review of David Dunn's Facebook revealed a photo listed below:



8. On July 15, 2019, HITT identified DUNN's Facebook photo Post as the person who committed the theft of the two firearms from his business on July 12, 2019.
9. An inquiry with Muskogee Police Department, C.B. Abel (Detective Abel) determined DUNN is a suspect in cases involving theft of firearms. Muskogee Police identify DUNN as David Neil DUNN Jr., male, date of birth of xx/xx/1999, Native American, five foot eleven inches tall and with a weight of 160 pounds.
10. A Muskogee Police Report, dated January of 2019, indicated DUNN listed his home address as 208 N. Edmond Street, Muskogee. On July 8, 2019, Muskogee Police encountered DUNN, in relation to an assault concerning a stolen firearm. DUNN provided Muskogee Police with cell phone number 918-360-7462. At the time, DUNN was driving a Chevrolet Tahoe with Creek Nation license plate M/N 3652. The victim in the assault said DUNN assaulted him over a debt related to the purchase of a gun.
11. On July 15, 2019, your affiant and Detective Abel drove to 208 Edmond Street, Muskogee (Attachment "A") and saw a Chevrolet Tahoe with Creek Nation license plate identified as M/N 3652. Registered owner of the Tahoe is Otis Dunn Sr., with a P.O. Box for an address.
12. The below photos of 208 Edmond Street, Muskogee and the Chevrolet Tahoe were taken on July 15, 2019.



Creek Nation Tag M/N 3652

13. Muskogee Police identified DUNN as a suspect with the following offense reports, which contained the following information:

Offense Report 2018-

22464

Date: 06/01/2018

Burglary of

Vehicle

DUNN provided a cell number of

918-360-7246;

Offense Report 2018-

44886

Date: 10/30/2018

Larceny from

Building/House

DUNN provided a cell number of

918-360-7246

Victim reported theft of Remington, Model 870 shotgun;

Offense Report 2019-869

Date: 01/08/2019

Burglary of

Building/Home

DUNN was interviewed by

Muskogee police and provided a

statement with an

address

of 208 N. Edmond Street,

Muskogee

DUNN provided a cell number of

918-310-8815

Victim reported theft of Stoeger, Model 350, 12 gauge

shotgun, serial number: 1253228;

Offense Report 2019-

22979

Date: 07/08/2019

Assault and Battery with Weapon

(Bat)

DUNN provided a cell number of

918-360-7246 and a

Chevrolet Tahoe Creek with a Creek Nation

tag M/N 3652 as his vehicle.

DUNN told victim he owed money for a

firearm; and

Offense Report 2019-

23404

Date: 07/11/2019

Larceny from Retailer

DUNN provided a cell number of

918-360-7246.

14. On July 18, 2019, Detective Abel spoke with a person who resides on the same street as DUNN. This person stated a young person named "David" resides at 208 Edmond Street and drives the silver colored Chevrolet Tahoe, which at the time was parked at 208 Edmond Street. This person further identified the Facebook Post of DUNN as the person who resides at 208 Edmond Street.
15. On July 18, 2019, Detective Abel located a police report, dated January 23, 2019 in reference to a stolen gun recovered from DUNN's residence at 208 Edmond Street. DUNN provided a statement he purchased the pistol, identified as a Ruger, Model LCP, 9mm semi auto, serial number 329-40777 for \$100.00 from a person named "Niko". DUNN could not provide a last name for "Niko". DUNN identified his residence as 208 Edmond Street. The Ruger pistol was recovered, after a consent search, in DUNN's bedroom. The pistol had been reported stolen during a vehicle burglary on October 14, 2018, Muskogee Case Number: 2018-42451.
16. Based upon my training and experience and the facts set forth herein, I believe there is probable cause that David Neil DUNN Jr. has violated Title 18 U.S.C § 922(j) and Title 18 U.S.C § 922(u) and therefore I believe I will find items listed in ATTACHMENT B at

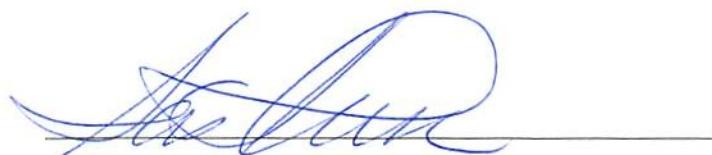
208 North Edmond Street, Muskogee Oklahoma 74403, residence further described in ATTACHMENT A.



Carlos Sandoval, Special Agent

Bureau of Alcohol, Tobacco, Firearms and
Explosives

Sworn and subscribed before me this 25th day of July, 2019.



STEVEN P. SHREDER

United States Magistrate Judge

ATTACHMENT A
DESCRIPTION OF PREMISES TO BE SEARCHED

The property to be searched is: 208 North Edmond Street, Muskogee, Oklahoma 74403.

The property is described as single story wood frame home with a dark colored composition roof.

The front door of the home faces west. The home is painted yellow. There is a blue color truck which appears to be inoperable in the driveway of the home. Also on the property's driveway are a Chevrolet Tahoe with Creek Nation Tag M/N 3652. A fence surrounds the property of 208 North Edmond Street.

Photos of the above described is listed below.



208 North Edmond Street in Muskogee, Oklahoma 74403 is in the City of Muskogee, Muskogee County, within the Eastern Judicial District of Oklahoma. At the intersection of York Street and Chandler Road, travel north on York Street for approximately 1/10 of a mile to an intersection of York Street and Elliott Street. At this location, travel east (right turn) on Elliott Street and continue to the intersection of Elliott Street and Edmond Street. At this intersection, travel north on Edmond Street (left turn) for a short distance to the residence of 208 North Edmond Street located on your right side (east side). The search of 208 North Edmond Street Muskogee,

Oklahoma 74403 also includes any appurtenances to the real property, any storage units/outbuildings, and any motor vehicles located on the property.

ATTACHMENT B
DESCRIPTION OF ITEMS TO BE SEARCHED FOR AND SEIZED

1. Any and all firearms, to include but not limited to a Freedom Ordnance, Model FX9P4, 9mm, semi auto pistol serial number 017788, Taurus, Model G2C, serial number TMR89561, Stoeger Model P350 12 gauge shotgun, serial number 1253228, Remington Model 870, shotgun with unknown serial number.
2. any and all firearms of unknown manufacture, model, or caliber, with unknown serial number;
3. Any items pertaining to the possession, ownership and/or disposition of any firearm, to include the Freedom Ordnance, Model FX9P4, 9mm, semi auto pistol serial number 017788, Taurus, Model G2C, serial number TMR89561, Stoeger Model P350 12 gauge shotgun, serial number 1253228, Remington Model 870, shotgun with unknown serial number.
4. Gun cases, ammunition, ammunition magazines, holsters, spare parts for firearms, firearms cleaning equipment, photographs and video tapes/digital recordings of firearms or person(s) in possession of firearms, acquisition or ownership documents, and receipts for the purchase and for repair of all of these items;
5. Records to establish the persons who have control, possession, custody or dominion over property searched and from which evidence is seized, to include but not limited to: personal mail, checkbooks, personal identification, notes, other correspondence, utility bills, rent receipts, financial documents, keys, photographs, leases, mortgage bills and telephone answering machine introductions and messages, and all records related to pagers and telephones;
6. Items of personal property that tend to identify the person(s) in residency, occupancy, control, or ownership of the premises that is the subject of this warrant, including but not limited to: canceled mail, deeds, leases, rental agreements, photographs, personal telephone books, diaries, utility and telephone bills, statements, identification documents, and keys;
7. Receipts, forms, ledgers, and documents related to the purchase of multiple firearms. Ledgers/notes with information with contacts of individuals who have purchased/bartered firearms;
8. Cellular phones;
9. Video/photographic images depicting firearms in the possession of individuals engaged in the illegal possession, trafficking and sale of firearms.